

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6941

BILL NUMBER: SB 383

NOTE PREPARED: Dec 31, 2009

BILL AMENDED:

SUBJECT: Sales of Ephedrine or Pseudoephedrine.

FIRST AUTHOR: Sen. Skinner

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a retailer who sells drugs containing ephedrine or pseudoephedrine to: (1) post a sign warning that it is a criminal offense for a person to purchase drugs containing more than three grams of ephedrine or pseudoephedrine in one week, and that depending on the amount of ephedrine or pseudoephedrine contained in the drug, purchasing more than one package of drugs in one week may be a crime; and (2) require the clerk who is conducting the transaction to personally advise a purchaser that it is a criminal offense for a person to purchase drugs containing more than three grams of ephedrine or pseudoephedrine in one week, and that depending on the amount of ephedrine or pseudoephedrine contained in the drug, purchasing more than one package of drugs in one week may be a crime. The bill also provides that, upon request, the clerk who conducts the transaction shall advise the purchaser how many grams of ephedrine or pseudoephedrine are contained in the drugs being purchased.

Effective Date: July 1, 2010.

Explanation of State Expenditures:

Explanation of State Revenues: The bill would add written and verbal notice requirements to the ephedrine or pseudoephedrine sale or purchase restrictions. Current law provides that knowing or intentional violation of the ephedrine or pseudoephedrine sale or purchase restrictions is a Class C misdemeanor, and enhances the penalty to a Class A misdemeanor for second or subsequent violation.

Penalty Provision: If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class C misdemeanor is \$500. The maximum fine for a Class A misdemeanor is \$5,000. However, any

additional revenue would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* A Class C misdemeanor is punishable by up to 60 days in jail. A Class A misdemeanor is punishable by up to one year in jail. Any additional expenditures are likely to be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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